



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 29, 2021

TIME: 5:48 PM

WSR 21-20-074

Agency: Department of Fish and Wildlife (Order 21-216)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: This emergency rule is needed to allow for a test fishery in Region 2E which will be used to evaluate Dungeness crab soft shell and to delay the opening of commercial crab seasons in Puget Sound..

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 220-340-455
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This emergency rule closes Puget Sound commercial crab harvest in Crab Management Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3 until further notice, with the exception of the test fishery to be conducted in region 2 East. Puget Sound commercial harvesters have requested a delay to the start of the commercial crab season to avoid fishery conflict and perceived poor market conditions. The test fishery in Region 2 East will evaluate Dungeness crab shell hardness to inform winter recreational and commercial seasons.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New 1 Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: September 29, 2021	Signature: 
Name: Nate Pamplin for Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-45500Y Commercial crab fishery--Seasons and areas--Puget Sound.

Effective immediately, until further notice, the following provisions regarding commercial crab harvest in Puget Sound Crab Management Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3 in WAC 220-340-450 shall be as follows. All other provisions of WAC 220-340-450 remain in effect unless otherwise amended by emergency rule:

- (1) Open only in catch areas 24B, 24C, and 26 AE and only for vessels F/V WN0742SJ and F/V Red Hawk per restrictions detailed in test fishery permits issued and carried on board participating vessels.
- (2) Effective October 1, 2021 at 12:00 a.m. until further notice it is unlawful for any person to harvest crabs for commercial purposes commercial purposes in Crab Management Regions 1, 2 East except as allowed in subsection (1), 2 West, 3-1, 3-2, and 3-3 with the exception listed in section 1 of this emergency regulation.